THE EXAMINATION OF THE BISHOPS,

Upon their Refusal of Reading His Majesty's Most Gracious DECLARATION;

And the Nonconcurrence of the

Church of England,

In Repeal of the

Penal Laws and Test.

Fully Debated and Argued.

With Allowance.

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THE EXAMINATION OF THE BISHOPS, &c.

IT has pleas'd that Almighty Power which rules the Hearts of Princes, to enlighten and adorn His preſent Gracious Majeſty with ſuch peculiar Beams of Mercy and Clemency, thoſe truly Royal Virtues, that render Him the neareſt Pourtraict of that Deity whoſe Vicegerent He is. To win therefore the Univerſal Love of his People, a Conqueſt worthy of, and indeed reſerved for His Great ſelf, He has ſet up the Standard of *Compaſſion*; reſolving to recover the alienated Affections of thoſe of his Subjects, whom the Adminiſtration of his Predeceſſors may have any ways rendred uneaſie.

There are but Two things in the World dear to all Mankind, Religion and Property. The laſt of theſe, I confeſs, in the moſt moderate Diſtribution of Common Right, has all along had its free courſe in the true Channels of Equity; only the firſt has been a little reſtrain'd; for *Conſcience* has ſometimes been ſhackled.

The Sighs therefore and Groans that have lately breathed from that Reſtraint, have moved him to that Sacred Commiſeration, that He is reſolved to break the Fetters that

extort em, The *Penal Laws*. Which to effect, He has already declared His Determination for that choice of Magiſtrates in Authority under Him, that in His Princely Judgment He thinks will be moſt Hearty in contributing their beſt and ableſt Endeavours for that Great End.

To carry on this pious work, 'tis not at all to be doubted but the ſuffering party on all ſides, who are aggrieved by thoſe Laws, by the meer dictates of Self-preſervation, will be no ways wanting to throw off a Yoke they have ſo long ſo unquietly born. And if all their Helps, His Majeſty (as in Reaſon may be expected) is ſo well ſecure of, there remain, only the Concurrence of the Church of *England*; which, if obtain'd, His Kingdom would reap the Fruit, and Himſelf the Honour of being the Founder of thoſe laſting Bleſſings, ſo much in themſelves the more Glorious, as that all Hands, and all Hearts, are aſſiſtant to their Creation.

But ſince the late Refuſal of Reading His Majeſties moſt Gracious Declaration ſeems to intimate the Church of *Englands* Averſion (or at leaſt their *Leading Endeavours* to create that Averſion) to the Repeal of the Penal Laws and Teſts; the Deſign of this Addreſs to our Epiſcopal Paſtors, is to examine the ſtreſs and tendency of thoſe Laws, and truly to reaſon and argue with our Pious Mother the *Church of England*, why the Preſervation of thoſe Laws, either is, or ought to be, any part of her Care, and indeed, how far thoſe Statutes, her ſometimes Darlings, are in themſelves either Juſt, Equitable, or conſiſtent with Chriſtianity it ſelf; and how far ſhe is *equally*, if not *more*, than the Diſſenters obliged to aboliſh them. Nor ſhall I endeavour to urge her Conſent from any *Reſignation* or *Compliance* (thoſe fainter motives of meer Generoſity) to the *Pleaſure* and *Will* of the King, that deſires to have it ſo; but enforce the Argument from the Bonds and Tyes of *Conſcience* and

Juſtice

Juſtice that require her Aſſiſtance to their Diſſolution; and hereby illuſtrate the *Equity* and *Reaſonableneſs* of His Majeſties Propoſal, and prove the Work it ſelf no more than the incumbent Duty of every Chriſtian Subject to labour to perfect. For inquiry therefore firſt into the *Penal Laws*, I ſhall make bold to trace the Grounds of their Riſe and Original.

After the Death of Queen *Mary*, her Proteſtant Siſter *Elizabeth*, being ſeated on the Throne, under ſo fair a Proſpect of eſtabliſhing her Religion, as having the *Half*, if not the Majority of the Nation of Her Perſwaſion, all Hands were ſet at Work for ſo glorious an Enterprize. But the main Engine was, That the Reformers having before their Eyes the late ſeverity of her Siſters Reign, the Proteſtant Church either truly, or rather *ſeemingly* aſhamed (as time will ſhew) of the Romiſh Cruelty, the Popular out-crys againſt *Smithfield* Fires, was conſcious that ſhe had no means ſo proper to recommend her ſelf to the Peoples Eſteem as the avoiding all thoſe occaſions of *Odium*, which had render'd the *Romiſh Church* ſo much the Object of their Averſion; and therefore the Change muſt be wrought and Affections won, by the oppoſite Extremes of *Mercy* and *Moderation*.

Theſe Meaſures for a while ſeem'd terrible; but, alas! in few years *Indulgence* appeared a too ſlow-pac'd Progreſs of Reformation; for ſtill notwithſtanding the Encouragement of a Proteſtant Queen, and the Eſtabliſhment of our Church, the Eccleſiaſtick Advances went on too leiſurely, and Converſions not faſt enough, to ſatisfie either the Churches Itch of *Power*, or Warmth of Zeal, under the looſer Reins of Toleration. For whilſt the Popiſh party were connived at, and permitted any Liberty of their Worſhip, their Church, though falling, could not want ſome few unſhaken Members at leaſt that would ſtill follow even

its

its very Ruines; and perhaps the Romiſh Prieſts, though thrown out of Church Preferment, could not, or would not forbear, to confirm and encourage their thin and ſcatter'd Party, and poſſibly through an indiſpenſable (as they thought) Duty to that Communion, in which invincibly perſwaded, they only expected Salvation, they might not omit either Arguments or Induſtry (as Opinion wants neither) to render their Religion nevertheleſs lovely for the Cloud it wore; which indeed, is but natural to all Religions, whilſt they think their own either the *only*, or at leaſt the *neareſt* way to Heaven.

Theſe Remora's, how ſmall ſtops ſoever to her advancing Glory, the Church of *England* beholding with Impatience, and repining even at her ſmalleſt Favours to the Romiſh Party, whilſt but the leaſt Impediments to her yet unſatisfied Ambition, (for to be *Uppermoſt* was not enough, unleſs ſhe could be *All* too) began to think of ſome more expeditious way for the weeding out of Popery, and to look out for a ſharper Pruning Hook than meer *Teaching* and *Preaching* to do the Work of Reformation; ſet agog therefore upon Diſpatch and Execution, ſhe felt the Itch of her Foreſathers, and if *Honour* and *Reputation* could be ſafe, ſhe ſhould not ſcruple at a little of the old-faſhion'd Shamble-work to gain her Point. But conſidering that to puniſh Diſſent in Religion, and bareſac'd too with Death, would carry too much the looks of Old *Smithfield*, and ſo beſtain her own long boaſted Gentleneſs and Innocence; ſhe is therefore put to no little Study and Invention to over-leap this Difficulty, and accompliſh her Projection; till at laſt ſhe lights upon this incomparable Stratagem to Mask her Deſigns, and ſmooth All, *viz.* to puniſh *Recuſancy* with *DEATH*, under the black and diſmal Brand of *HIGH-TREASON*. The Meaſures and Gradations uſed and made towards raiſing this Artful Superſtructure, take in ſhort as follows.

In

In the first year of Q. *Elizabeth*, she asserts her *Spiritual and Ecclesiastick Supremacy in all Things and Causes whatever*; and creates an Oath to be tendered her Subjects for confirmation of that Power.

In the fifth of her Reign, grown warmer in that *Supremacy, she imposes the Oath upon all her Ministers and Officers of the Government, even to Lawyers, Atturneys, &c. and particularly to be taken by ever Member of Parliament: And the second Refusal of taking it, after a first tender of it three Months before, is made High Treason.*

In the 13th of Her Reign. *All persons taking upon them by Colour of any Bull, Writing, or Authority whatever to absolve or reconcile any persons, or grant or promise to any person or persons within Her Majesties Dominions any such Absolution or Reconciliation by any Speech, Preaching, Teaching, Writing, or any other open deed; and if any person or persons shall willingly take or receive such Absolution or Reconciliation shall suffer pains of Death; And also lose and forefeit all their Lands, Tenements, Goods and Chattels, as in Cases of* High Treason. [A very soure sort of Grape to set their Childrens Teeth an Edge with.]

In the 23d of *Elizabeth*, This Act is explain'd and confirmed, and in fine the *Person reconciling or reconciled to the Church of* Rome, *Priest or Lay-man, are Equally declared Traytors*; and so onwards till *the very taking of Orders from* Rome *is High Treason and doomed to suffer as such.*

Ay, God knows a very just sentence if the Indictment be but true. But I desire to know by what Legerdemain is this Reconciliation made High Treason! Is either the Life or Dignity of the King or the Government, struck at by my being a Member of This or That Communion! by my believing This or That the Way to Heaven? Can Faith in God be Treason against Man! For that's the Result of the point. Can a Christians best Endeavour to save his own or his

his Brothers Soul be a Machination to deſtroy his Prince or his Country; or can my praying or not praying to a *Saint*, my adoring or not adoring the *Euchariſt* render me a true or not true Leige-man. If Errours in Faith can amount to High Treaſon, and the Government is in Conſcience obliged to treat 'em as ſuch, Lord have mercy upon us, how came the *Jews* to live with that Impunity in the Commonwealth, that inſtead of misbelieving in points of Doctrine, believe not ſo much as in the Goſpel or Chriſt himſelf.

No, no, the Sophiſtry of the matter lyes not there; 'tis not the Doctrine of a Romaniſt as to Godwards makes him a Traytor, but his belief of the Popes being *Head of the Church* in Derogation to the Eccleſiaſtick Supremacy inherent to, and Lodg'd in the Crown, and ſo religiouſly aſſerted and maintained by the Proteſtant Laws of the Kingdom. *Hinc Illæ Lacrymæ*? There lyes the Apoſtacy, the hideous yawning Gulph that ſwallows all, Faith, Duty, Honour, Loyalty, and conſequently calls for Axes, Halters, Gibbets, and what not.

Is this the Treaſon then; 'tis well we have fixt it there; tho' upon true Inſpection, the Impeachment will be found full as feeble here as before. For this is but meer matter of Faith ſtill all this while, nor carries in it the leaſt ſhadow of a Breach of the Subjects Duty to the Soveraign. For Inſtance, when this Law was made, ſuppoſe a poor *Roman Catholick* of thoſe Days by an Invincible power of perſwaſion rooted and grounded in him by an Article of Faith (how rightfully is not the matter) received from Age to Age, and Generation to Generation in favour of the Pope, cou'd not poſſibly believe her then *She* Majeſty by her Acceſſion to the Crown to be inſtantly the *Spiritual* Head of the Church in all matters and Cauſes whatever, that otherwiſe before was utterly incapable even of ſo much as a Subdeaconſhip in a Country Pariſh, and if St. *Paul* may be believed

lieved, not ſo much as qualified for ſpeaking in a Religious Aſſembly; yet nevertheleſs this *Roman Catholick* lived under her Government with all the Allegiance and Fealty, in all Reſpects of Obedience, and believed himſelf in conſcience ſo obliged to do, as much as any other of her more believing Proteſtant Subjects, would it not be a little ſevere to adjudge him a Traytor.

And that the *Romiſh* Opinion that the Spiritual Supremacy lyes not in the Temporal Prince, is meer matter of Faith, is demonſtrable from the very Soveraign Power it ſelf, when ſo many ſucceſſive Kings never believed they had that Supremacy themſelves. For *Prerogative* is of its nature ſo jealous that tho' never ſo conſiderable a Jewel in a Crown had they had Faith to have challenged it theirs, they would have had wit enough to have worne it too.

What if our Proteſtant Kings and their Parliments for them believe that Supremacy wholy lodged in the Crown; muſt their *Roman Catholick* Subjects be Traytors, becauſe they cannot be of their Belief? If the Princes Belief muſt be the ſtandart of the peoples Loyalty, by the ſame Equity the Catholick Kings might have made it High-Treaſon in their Reign to aſſert that Supremacy in the Crown Then; as the Proteſtant Kings do to deny it there now; and conſequently the Proteſtants then, (if ſuch there had been) might by Equal Juſtice have been Traytors too. If Crown'd Heads muſt neceſſarily be believed the Spiritual Heads of the Churches under their Obedience, I wonder what ſtrange ſtretch of Faith thoſe Thouſands of Chriſtians muſt have that are born and bred Subjects to the *Mahometan Grand Signior*.

But that the Members of the Church of *Rome* may not look altogether ſo black for this unhappy Part of their Belief;

and that their asserting of that Spiritual Supremacy in their Pope does not any ways threaten either the Crown or the publick peace; That wise and prudent Monarch King *James* the First shall be their Compurgator. For as many Laws as that Prince made for the Defence of the Establisht Church of *England*, and as great Industry as he used for the extirpation of the Romish Religion, he was nevertheless pleased to allow the Pope, tho' not *Universal* Head of the Church, yet *Patriarch* of the *West* (in which precinct of consequence must *England* be included.) And if so zealous a Protestant King thought it no Diminution to his own or his Churches Dignity to be of that Opinion, and to grant the Pope that Prerogative; what mortal High Treason against the Crown of *England* do the Members of the Popes own Church commit in throwing him in the *East* too (a part of the World not much relating to us) into the Bargain; and so making him *Universal* Patriarch. *Jacob. Contr. Perron.*

But some People will tell you, *'Tis almost an Impossibility to fancy any such things as Principles of Loyalty in a Romish Subject to a Protestant King.*

I shall not endeavour to confute this uncharitable Censure, by the *Universal* Heroick Examples, of that Parties Loyalty in the Battels of *Charles* the First; so truly may I call it *Universal*, that upon Petitions made to *Cromwell* for his Clemency to the Roman Catholicks, he was observed to challenge them to prove so much as one Man of that Religion that had ever fought for him or served him. But to wave that Plea, How are we sure that the Romanists are guilty of Traytorous Principles! Do's any man of them own any such Principles! *No, sure they have more Wit than to talk Treason, and be Hang'd for it. If they are so hardy as to do that, we have other Laws to noose 'em without the help of Penal Statutes.* Do

Do they then commit any open Act of Treaſon! *Let 'em do that if they dare. If we once catch them 'em at that Game the Government has 'em faſt enough, by the Heels and the Necks too. Nor is that the Treaſon, that theſe Statutes pretend to arraign. Who ever heard of any* Overt act *of Treaſon indicted by the* 13*th or* 23*d of* Elizabeth.

Then, if neither *Speaking* nor *Acting* of Treaſon be the Capital Guilt theſe Statutes are levell'd at; then *Thinking* of Treaſon muſt be the Crime. A Roman Catholick then belike is ſuch an offender, that by the very Affections of his Soul cannot be Loyal to the Crown; and to prove all this mortal Accuſation infallibly true, the Proteſtant Wiſdom has by *Divine Inſpiration* form'd a Law to arraign and condemn the very *Thoughts of the Heart*, of which God only can be Judge.

In fine, if the Government can make matter of Faith, nay even thoughts Themſelves High Treaſon, when their Hand was in they might e'ne as Lawfully have made it High Treaſon to *eat* too. For if the firm Belief in God, and the zealous Worſhip of him by the Beſt Light of a Chriſtian Conſcience, be either the *Bread of Life*, or at leaſt the means to get it, as we are ſo taught, the ſame Legality that can condemn the one may exclude the other too.

To this they'll ſay, *'Tis true indeed a Lay Romaniſt is a more excuſable, and that part of the Statute that affects him is a little hard; however 'tis very ſtrong, and nothing but High Juſtice, againſt the Romiſh Prieſt; for here are viſible Overt-acts of Treaſon: As taking of Orders from* Rome, *in themſelves little leſs than Damnable and Diabolical, and undoubtedly Antichriſtian, as received from the Papal See, the very ſeat of Antichriſt; and then returning home again expreſly a-*

gainſt the Commands of the Law; All which outragious Tranſgreſſions are but reaſonably declared High Treaſon, and juſtly expoſed to the ſevereſt of puniſhments under the Legality of that Denomination.

To this Thundering Charge, as big as it ſounds, I ſhall only make this ſhort Reply.

If the Church of *England* has and always does admit a *Convert* Romiſh Prieſt into the Proteſtant Clergy, without any *Reordination* to capacitate him for that Admiſſion, as we need look no further than to the conſtant practice of the Church, (without ſo much as one example to the contrary) from the very beginning of the Reformation, how unjuſtly are taking Orders from *Rome* charged with High-Treaſon! If the Orders from *Rome* be in themſelves *Holy* and *Sacred*, how are they Damnable, or Anti-chriſtian? And how the taking of them High-Treaſon? If not Holy nor Sacred (as if High-Treaſon in the very receiving of them they cannot be) does the Church of *England* entertain Paſtors into her Miniſterial Function unconſecrated for the Divine Service of God? God forbid! No, the very Practice and Conceſſion of the Church in this Caſe does ſo confront the palpable Injuſtice of this Statute, as nothing can be plainer. And how Black, how Capital, or Trayterous ſoever the *Popular Calumny*, or the *Proteſtant Law-makers* had occaſion to make theſe Romiſh Orders, under all their loads of Guilt, they ſtood upright enough not to want the Crutch of an Act of Parliament, as ſome others have done (as much *more Sacred* as they are) for their Support and Confirmation. And if ſuch are the Romiſh Orders, and the free choice of our Belief in God, and the Church we hope to be ſaved in, be in our own Election (for our own Souls are anſwerable for it) by the ſame Liberty of choice

choice why may not a man be either a Member or Paſtor of the Flock he chooſes, as his Abilities to ſerve God in either ſtation ſhall dictate to him. And if no ſuch Holy Orders be to be had and received at home, why is it Death to ſeek for them abroad? And why are men baniſht and excluded from their Native Right in the Kingdom in which they are born, for only endeavouring to ſecure themſelves, their no leſs Native Right in that of Heaven?

One obſervation in the Statute of the Fifth of her Reign I had almoſt forgotten, not a little worthy Remark. In this Statute where the *Incapacity* of taking the Oath of the Queens Spiritual Supremacy (for a Refuſal of an Oath in that Caſe is only a *Conſcientious Incapacity* of taking it) is made High-Treaſon, in one Clauſe of it the Queen is pleaſed to tell us, *ſhe is ſo ſufficiently aſſured of the Faith and Loyalty of her Temporal Lords, that this Act, nor any thing contain'd in it, ſhall not extend to her Barons, nor the Oath to be impoſed upon them*, &c.

What Contradictions and Cobweb Laws are here! A Commoner, belike, for his Incapacity of taking that Oath, is guilty of High-Treaſon: But a Baron ſo incapacitated is a very *faithful and Loyal Gentleman*; as if they were not both of them *equally Subjects* to the Crown, and equally Criminal in any Tranſgreſſion againſt it. 'Tis true, had the particular Favour and Indulgence of the Government reſolved to exempt a Peer from the *Penalty* of this Law, it had been ſomething; but to diſcharge him *eo nomine* from the *Guilt* too, makes the whole Statute ſuch an *Arbitrary* Declaration of Treaſon, that both the Compilers of ſuch Laws, and the Defenders of them, ought to bluſh at. But as whole as the Barons kept their Scutcheons in this Statute, they came in for a ſnack in the 13th of her Reign, being in that Statute Indictable for Delinquency againſt it.

What.

What *Rubbiſh* is here put together to build the great *Fence* of a *Church* with! But our Church has at leaſt this Apology, that it does not pretend to *Infallibility*. And who knows but the Jargon of theſe, and the reſt of her *Penal Laws* might be *wilful Overſights* on purpoſe to make out her Aſſertion to the World, and prove her *Fallibility* true.

But to come to the full Reſult of all: Here's the *Church of England* ſo *poorly prevaricating*, as to follow thoſe very ſteps, which with all her higheſt Noiſe and Exclamations ſhe pretends, are her greateſt Deteſtation and Abhorrence. And whilſt the more frank and generous Romaniſt Enacts and Executes his Capital Laws againſt *Hereſy* from *his* Church, under the downright Name of *Hereſy*; our poorer ſpirited Proteſtant Law-makers, are for puniſhing *Hereſy* from *their* Church under *Maſque* and *Diſguiſe*, obtruding their Penal Laws upon the World under the meaneſt of *Hypocriſy* and *Impoſture*.

And to be plain with our later Proteſtant Law-makers, the *Shamm* paſt ſo current then, that it has been practiſed ever ſince. Is there any one Law made againſt our later Nonconformiſts whoſe preamble does not run upon this Topick, the Breach of the Peace, and the undermining the very Foundations of the Government; and all for deſerting the Church of *England*, and meeting in their own Religious Aſſemblies, to offer up their Prayers and Devotions to God according to their Conſciences. Was there ever a late Conventicle diſturb'd with any other Warrant than as *Riotouſly and Routouſly aſſembled*, and thereupon puniſht with Fines, Impriſonments, and Sequeſtrations; ſometimes even to the Ruines of whole Families. Does not the ſame *Maſquerade* run through *all* the Penal Laws? And the very meer

meer meeting to Worſhip God charged with no leſs than *Sedition* and *Tumult*.

But wherein lyes the Sedition and Tumult? Was it in their ſo meeting? No, ſure. For as the Intention makes the Guilt, the Intention was only a *Religious Worſhip*, and not a *State-diſturbance*.

Was the Sedition then in the *Doctrines* they Preach'd? If ſo, why was it not proved againſt them? Their Meeting-Houſe Doors ſtood open, and their Enemies were both potent and numerous enough to hear and detect any Seditious Deſign or Doctrines againſt the Crown or State. And the Law was furniſht both with Rods and Axes, to puniſh any Crime of that kind according to its Demerit, before the Penal Laws were ſo much as thought on.

No, tho' that was the *Pretence*, it pincht not there The Diſſenters grew too numerous, and the Church of *England* began to ſee her Grandeur ſhrink, and her Dominion leſſen, and therefore her *Old Arts* muſt once more be her Refuge. The Nonconformiſts muſt be cruſht and ſuppreſt, and to avoid all imputations of *Oppreſſion* and *Cruelty*, *Sedition* and *Riots* muſt be the charge againſt them, and the Law *gilded* over with that fair *Title* to make it *ſwallowable*. 'Tis true, indeed, the Law here did not reach to Death, however it took care to make their Purſes, if not their Veins, bleed for it, and that too ſometimes with ſo total a Drein, that whole Families have been reduced to the condition of ſtarving, which is the very next door to it. And all things conſider'd, Liberty next to Life is ſo dear, that whole years of noyſome Impriſonment have been very little the eaſier puniſhment.

Having

Having given you this true Pourtraict of our Penal Laws, I ſhall only add ſome few Lineaments more, and ſo finiſh the piece. And to make a farther Ballance betwixt our ſelves and *Rome* in that point, how *unchriſtian* or *unwarrantable* ſoever all ſuch Penal Inflictions for meer Conſcience may be, the Church of *Rome* has, or at leaſt fancies ſhe has ſome little Pretext for ſuch Laws. For under her famous Tenent of *Extra Eccleſiam nulla ſalus*, and her Confinement of Salvation only within her own Boundaries, ſhe may have ſometimes conſented to the Practice of now and then cutting off a *ſtray Sheep*, to terrifie the reſt of the Flock from leaping the Fold, as imagining to her ſelf in ſo doing, and in now and then Sacrificing one or two *loſt* Sons of *Perdition* (for ſuch ſhe accounts them) and thereby lopping off ſome corrupt Member already paſt hope of Redemption, ſhe only ſecures poſſibly the whole Body, as ſhe thinks, from *Apoſtacy* and *Damnation*. And conſequently ſuch exemplary Acts, though of the greateſt Rigour, are only intended as abſolutely neceſſary for that Great End, *Univerſal Salvation*. But, alas! our more *Charitable* Church that pretends not to bound the Grace of God, but by a larger latitude and more extended Operation of the Blood of Chriſt, *Equally* allows Salvation to true Zeal and Piety in *both* Churches, and indeed in all Chriſtian Profeſſions: Under all this Conceſſion, I ſay, our Proteſtant Church utterly wants this Loop-hole, and upon true Examination will be found wholly *inexcuſable*, if not *impardonable*. For in executing of her Sanguinary Laws in puniſhment of meer matter of Conſcience, ſhe cuts off, not like *Rome*, the ſuppoſed Members of *Perdition*; but even thoſe Profeſſors of Chriſtianity, which by her own Confeſſion may be equally with her ſelf the *Sons of Grace, and Coheirs of Salvation*.

Nay,

Nay, I'le venture to add one *bold Word* more, becauſe a *true* one. The Church of *England* in her *once executing* of her ſanguinary Laws, is undoubtedly guilty of more Barbarity than the ten Primitive *Heathen Perſecutions*. For in all caſes of Suffering for Religion, 'tis an undeniable Maxim, That *He that makes the Martyr leaſt thinks he makes him.* The bloodieſt *Pagan Tyrants* in all their ſtudied Arts of Blood and Chriſtian Maſſacre, did not believe that they butchered the then only Profeſſors of *Truth* and Heirs of *Heaven:* But on the contrary, in Devotion to their own *ſuppoſed true* Deities, they thought they only executed *Apoſtates*, *Blaſphemers* and *Infidels*; for ſuch they accounted the Chriſtians as profeſt Deſerters of their Heathen Gods and Sacrifices: Nor is the forementioned *Romiſh* Caſe much different, as lying under the unhappy Belief of Hereticks irreparable State of *Damnation*. But all this while our Church of *England* (I am ſorry to her Shame it muſt be ſpoken) outdo's the very *Heathens* themſelves, in enacting and executing thoſe Penal Laws, by which ſhe cuts off thoſe very Members of Chriſtianity, who (if true Zealots in their Profeſſion) ſhe owns are in the number of the *Elect of God*: And if any true Zealots amongſt them, thoſe certainly that have *Courage* and *Conſtancy* to *DIE* for their Religion, are not the *leaſt* of them; and conſequently ſhe cannot deny, but in executing thoſe Laws, *ſhe both makes the Martyr, and knows ſhe makes him too.*

And if ſhe's ſo blameable in her Severity againſt the *Romaniſts*, much more criminal muſt her Rigour againſt the Diſſenters be, whom ſhe owns to differ from her ſelf in little more than *Ceremonies* and *Punctilio's*.

Nay, the Ferment has ſometimes boyl'd ſo high, that our Proteſtant Church has put her Zeal upon the ſtretch to find means to vent her Indignation, when ſome of thoſe very Laws againſt *Recuſancy* have been extended againſt the *Proteſtant Diſſenters*, and the *greateſt part* of their Sufferings received from the Laſh of thoſe Laws. I ſhall not pretend to dive ſo far, as to aſcertain whether that *Comprehenſion* was originally *deſign'd* by thoſe Laws, or otherwiſe an *artificial Superſtructure* to ſerve a *State turn*; but either way the ſeverity of thoſe Laws is not a little notorious, where ſo trivial Matters of Diſſent in Religion, as has been ſaid before, have been ſo cruelly treated.

But if our Proteſtant Church cannot poſſibly be reconciled to *Liberty of Conſcience*, and therefore theſe Laws were her Weapons againſt it, her more generous way, at leaſt more agreeable to a Chriſtian Profeſſion, had been firſt fairly to have overthrown it by *Dint of Argument*, before ſhe had made uſe of *Dint of Steel* to do it by: And for that purpoſe, I wonder how that famous Biſhop *Taylor* has paſt for ſo great a Doctor of the Church all this while, and his Treatiſe upon that ſubject call'd *Liberty of Prophecying* not yet anſwer'd; or at leaſt the Author under no ſmall *Eccleſiaſtick Fulminations* (if no other way to anſwer it) for ſo terrible a Blow againſt the Churches long main Favourite Bulwark, her *Penal Laws*.

'Tis true, ſome People will object, *What are all theſe Laws to the* CHURCH, *when enacted only by the Civil Power as an Expedient for its own Security and Defence, and therefore warrantable and lawful; nor in any reſpect are chargeable upon the Eccleſiaſticks.*

Alas!

Alas! this is such a feeble Objection, that 'tis scarce to be named without Blushing: As if the Clergy did not act in Parliament by their *Representatives*; nay, the very Bishops sitting there in *Person*, assenting to, and undoubtedly little less than *Original Founders* of those Laws. But grant it, as they say, the meer Establishment of the Civil Power: The Clergy by owning the *Justice*, and asserting the *Necessity* of such Laws for Defence of their Church, the Lay-Power in this Case is little more than the Cats Paw to rake out the Chesnut. Nor are the Civil Rulers and Temporal Power of a Christian Government any ways more authorised to outgo the Gospel Moderation and Clemency for any Politick Consideration whatever, than the more immediate Oracles of Truth the Preachers themselves.

And this the great Legislators of those Penal Statutes very well knew, and therefore as I told you before, they *cunningly converted* Recusancy into *High Treason*, and Nonconformity into *Riots* and *Routs*; to find something, tho but *seemingly* justifiable for the Fangs of their Laws to lay hold of; and so *boulster'd* up their Penal Statutes to make them able to *walk upright*.

I'le only put this one Question to all the Doctors of our Church: With what *Conscience* can a Church that owns it self *Fallible*, establish Laws to punish Dissenters in Religion, when by her own Concession of *Fallibility*, she neither *has* nor *CAN* have any Certainty or Assurance (how strong soever she *thinks* or *hopes* her own Foundation) but that she punishes those that possibly may be *more* in the Right than her self; more especially, in those Professions that found their Dissenting Doctrins on her own *Basis* the Scripture?

I cannot tell what Equity wiſer Heads may find out for the Ordination of Penal Laws; but truly in my Opinion, the Great *Prince of Peace* that reprimanded the Drawing of that Sword that cut off but the Ear of the High Prieſts Servant, tho in his own immediate Cauſe, very little intended the raiſing his *Church*, or the propagation of his *Goſpel*, by either *Axes* or *Gibbets*, or *Gaols* or *Dungeons*. And He that left us the Standard of Chriſtianity in the *Innocence* of Doves, never commiſſion'd us the *Rapine* of Vultures; and though we are conceded the *Subtilty* of Serpents, I know no warrant that he gave us either for the *Stings* or the *Poyſon* of them.

And tho my Zeal for Truth makes me thus plain in detecting the only Shame and Frailty of the Reform'd Church, I hope ſhe has Goodneſs enough to forgive the Boldneſs of a Bluſhing Son, who is no otherwiſe ſolicitous than for her covering her own *Nakedneſs*. And that I may truly term it ſuch, the Reformation that otherwiſe may boaſt her Purity and Principles only founded on *Holy Writ*, and all the reſt of her Doctrins and Practices derived from thoſe ſacred Oracles, will be only found tripping *here*; and in all her ſupport of Scriptural Records in all other Points, I am afraid muſt have recourſe even to the exploded Authority of *TRADITION* only for her *Penal Laws*. For I ſhrewdly ſuſpect that *Lollards Towers* and *Inquiſition Houſes* (let her mince it as ſhe will) will be found the *only Precedents* for the Eſtates ſhe has confiſcated, the Families ſhe has beggar'd the Gaols ſhe has fill'd; beſides her ſometimes loading of Gibbets, and ripping up the Bowels even of her own Co-Diſciples, becauſe *Diſſenting* Profeſſors of Chriſt, and all by her Penal Laws.

Nor will it ſuffice for an Excuſe to inſinuate that the Eſtabliſhment of Religion and Conformity of Worſhip on one ſide, and the Preſervation of Peace and Tranquillity of the

the State on the other ſide, exact the neceſſity of ſuch rigid Laws. [Though by the by, the Peace of States is rather *deſtroy'd* then *upheld* by ſuch Laws; for what Civil War in almoſt all the Chriſtian World, that directly or indirectly has not had the Oppreſſion of ſome Religious Party, its greateſt, if not only *Incendiary*?]

No; to gain the firſt of theſe great Ends, let the Teachers and Profeſſors of our Eſtabliſh'd Church live up to the heighth of their Profeſſion, and re-call the Wanderers, and reduce the Strays into the Fold by their own convincing Examples of Chriſtian Piety; a much more commendable way of making Proſelytes than the foremention'd rigid Arts of Converſion. And for the ſecond great End, *the Governments Security*, if her Temporal Fences are not ſtrong enough, let her make ſtronger; and if any of her Diſſenters are the diſturbers of her Peace, let her ſingle out the *Guilty* from the *Innocent*, and wreak her juſt Vengeance where 'tis *deſerved*; and not puniſh the Diſſent it ſelf (which as being meer matter of Religion, is wholly uncapable of ſuch Crime) for the ſake of any corrupted Members, that either *are of*, or *Herd under* the Covert of ſuch or ſuch a Congregation of Chriſtians. For to do that work by the undiſtinguiſhing mercileſs Hand of her Penal Statutes, is ſo little conformable to the Evangelical Precepts, that I am afraid the doing ſuch *notorious Ills* that *Good* may come of it, whatever Religious Security, or Goſpel Propagation may be intended by them; theſe *Penal Laws*, I ſay, that can ſwallow the *Eſtates*, *Fortunes*, *Liberties* and *Lives*, of their weaker Brethren and fellow Chriſtians, inſtead of being either *Chriſtian* or *Juſt*, or any ways related to 'em, will at laſt appear much nearer of kin to that famous Rover that wanders round the World to ſeek whom he may devour, inſomuch that their Ordination will be found little leſs than borrowing Engines from *Hell* to help to ſet up *Heaven!* Now

Now to the Caſe of the Church of *England*, if theſe are her Penal Laws (for I ſhall not trouble my ſelf with a tedious recital of the ſeveral Statutes of that nature, as being all but *Scions* from the ſame *Root*) I ſhould gladly know what Beauties or rather *inviſible* Charms the Church of *England* can find in theſe Statutes to be in the leaſt ſolicitous for their preſervation. For, alas! maugre all her Volumes written upon the Unreaſonableneſs of *Separation* from her Communion, and her Juſtification of her zealous Indeavours for *Conformity*, unleſs the Means and Methods uſed to obtain it (as theſe Laws were intended for ſuch) be *equally* Juſtifiable, her whole Pretenſions fall to the Ground.

Nor will it excuſe her to ſay, that they were chiefly enacted *in Terrorem*, as being but ſeldom put in execution; as if a ſtudied ill Deed were therefore more excuſable becauſe committed, ſuppoſe but once in an Age; when a foul Act for that very Cauſe, ſhould rather appear the more deform'd, as 'tis the Rarity that makes the Monſter.—Beſides, Queen *Mary* had that Plea to make; for what were 206 Proteſtants even by *Foxes* Muſter-Roll, burnt for Religion in her five years Reign, to the ſome millions of Proteſtants in thoſe days, when half the Kingdom was of that Perſuaſion? an infinite larger number to cull out ſo many Sufferers from, than all the Popiſh Prieſts that *Rome* has ſent over theſe 130 Years paſt, or ſhall do in as many more to come.

To return therefore to His Majeſties Propoſal of Abrogating theſe Laws, 'tis a *greater* Duty upon the Church of *England* to aboliſh 'em than in the Diſſenters themſelves; for as 'tis a Yoke impoſed upon their weaker Brethren, in it ſelf wholly unjuſt, the *Sufferer* under that Yoke in endeavouring

vouring to break it, only acts by the Motives of *Self-defence*, the common Principle of Nature: But the *Impoſer* of that Yoke is tyed by the Obligations of *Religion* it ſelf, to repeal and repent his own *Act of Injuſtice*.

Beſides, if all Arguments of Conſcience cannot prevail; and *Policy*, not *Equity* (though Heaven forbid ſo uncharitable a Thought) is our Churches Guide; yet, even then too, What do's ſhe yield up in aboliſhing thoſe Laws? Why, truly nothing. For whilſt the Government continues in the Hands of a Prince of the *Romiſh* Religion, thoſe Statutes will utterly lye dead; for the *Royal Indulgence*, a Prerogative in the Crown, will never put them in execution: And if aboliſht, however the next Proteſtant Prince has the power of *Reſumption*, if his Conſcience ſhall think fit to give them a Reſurrection. What reaſon therefore has the Church of *England* for her Nonconcurrence to a Propoſal ſo equitable, when ſhe has not ſo much as the leaſt Pretext even of meer Intereſt it ſelf for her Refuſal?

But this I am ſure, as the Church of *England* can have no ſolid Reaſons to oppoſe their Repeal, the *State* has very ſubſtantial ones to inforce it. For as *TRADE* is the greateſt ſupport and ſtrength of a Kingdom, I know no Politicks ſo conducing to the Commerce and Wealth of a Nation as *Liberty of Conſcience*. What greater Encouragement to *Naturalization*? And *England* that is not overloaded with People, can have no fairer Inlet to bring in whole Families and Eſtates, and indeed the Wealth of the World (beſides the opening that Current of Commerce even amongſt our preſent Natives, which the late Reſtraint of Worſhip had ſo much ſhut up) than *Liberty of Religion*. Nor can I better inſtance the Effects of this Policy than in the growth of the

the *Dutch Greatneſs*, and the decay of the *Spaniard* from their different Extreams of National Conduct in that Point.

I am certain His Majeſty reſolves to eternize his Glory, by being the trueſt *Pater Patriæ* of all the Crown'd Heads ſince the Conqueſt; nor has He a fairer Proſpect of making His Kingdom a true *Paradiſe* of *PEACE* and *PLENTY*, but by taking this Pattern at leaſt from the *firſt Paradiſe*, that is, by making the Lyon and Lamb lye down in Peace together; our long Diſunions being no otherways to be reconciled, and our Enmities huſht but by this only *Univerſal Pacification*.

I ſhall only add this laſt Conſideration. The execution of our Penal Laws and the reſtraint of Conſcience, has been the greateſt Blow that ever was given to the *Hereditary Right* of the Subjects of *England*, their natural *Properties* and *Immunities* given and ſealed to them by *Magna Charta* it ſelf. For who can call his Liberty or Eſtate his own, whilſt a *Superiour Opinion* in *POWER* ſhall ſeize our *Perſons* and confiſcate our *Eſtates*, for no other cauſe but difference of *Worſhip* and *Faith*; and neither Perſon, Eſtate or Liberty, redeemable under a leſs Compoſition than *renouncing of God*; for Conformity of Worſhip abſolutely againſt Conſcience is little elſe. And all this Capital Offence ſo *unfixt* and ſo *undeterminable* a ſort of Tranſgreſſion, that a Man has only a meer Lottery to be in the *Right* or the *Wrong*: For the blackeſt Criminal in *one* Reign has been the whiteſt Saint in the *next*, and ſo *vice verſâ* over again, witneſs the Reigns of *Edward* the Sixth, Queen *Mary* and Queen *Elizabeth*, where the Proteſtants were the Devils one while and the Papiſts another: Nay, in the Reign of *Henry* the Eighth, both Papiſt and Proteſtant were at *one time* in the wrong:

For

For 'twas remarkable in his Reign, that in the ſame day have Papiſts been hanged for *Traytors*, for diſowning his *Church Supremacy*; and Proteſtants burnt for *Hereticks* for denying of *Tranſubſtantiation*. Thus in their turns have all Religions and Opinions lain under the Scourge of the ſevereſt of Laws, and all for want of that Obedience to *a Law*, which Humanity it ſelf is utterly unable to pay. For though our Breach or not Breach of all other Laws, either Humane or Divine, lyes in our own free will and choice: To conform or not conform to this or that Belief, is wholly above the power of Man; *Faith only being Irreſiſtible*. And if our worldly Well-being, and all we enjoy in this Life, depends upon ſuch *caprichious Decrees* of Law, certainly the Great Charter of our Liberties and Eſtates that confirm'd 'em both under no ſuch *Condition* or *Reſtriction*, is not a little invaded by the Penalties of ſuch Laws: And I cannot tell what greater or more glorious Deſign His Gracious Majeſty can undertake, than by repairing ſo deep a Breach wrought through the very *Fundamentals* of his Peoples *original Freedom* and *Birthrights*: Nor is there, or has been a greater *Friend* or *Patron* of the Church of *England* than His preſent Majeſty, who himſelf *alone* tenders Her the Means and Opportunity to waſh off thoſe long *Stains* and *Blots*, which either the *petulance* or *remiſsneſs* of Her Proteſtant *Defenders of Her Faith*, through theſe Penal Statutes have caſt or left upon Her, and ſo to reſtore Her to *Whiteneſs* and *Innocence*.

Having made this fair Inqueſt into the *Penal Laws*, I ſhall take a little Search too into the *TEST*, and lay down thoſe Reaſons that equally oblige us to concur with His Majeſty in a Repeal of that too.

In order to which, it behoves us first to sum up all the great and popular Arguments (if I may so call 'em, tho in reality rather the Language of *Fears* and *Jealousies* than the Voice of *right Reason*) daily urged for the Preservation of the *Test*, *viz. That the whole Defence of the Protestant Religion relyes on that Basis. If the Test were once abrogated, the Church of* England *would soon be blown up, when all Offices both Ecclesiastical and Civil, and all Power and Authority both in Church and State shall be lodged in* Roman Catholick *Hands; and what not?*

To answer which hideous and formidable Outcry, we'll begin first with the pretended Dangers threaten'd the *Church of England* by Repeal of the *Test*. Not to insist upon His Majesties reiterated *WORD* and *HONOUR*, His inviolable Engagements to maintain the Church of *England* as now by Law establisht, in her uninterrupted Rights and Priviledges, all her Churches and Church-livings whatever thereunto belonging, &c. in it self alone no little Security. But waving that Plea, the Ecclesiastical Government and the Church of *England* neither *are*, nor *can* be shaken or toucht by the Abrogation of the *Test*, the *Test* being indeed no part of her Defence. For first, the very taking of the *Test*, is no part of the Qualification of any of the Clergy of *England*, nor was ever so much as mention'd or thought upon to be imposed or tender'd to the Clergy: No; as jealous as the Founders of that *Test* were (or *pretended* to be) of the Danger of Popery, and as zealous as they *could* be for the Security of the Protestant Religion, they very well knew the Church of *England* had two *impregnable Bulwarks*, the two great Acts of *WILLIAM III.* that themselves alone sufficiently establisht, guarded, and preserved the Church of *England* in all Points without any Fortification

tion from the *Teſt*; nor indeed was the *Teſt* wanted in the Eccleſiaſtick Adminiſtration, thoſe very Statutes being a *greater* and *ſtronger* Teſt before: For by thoſe Statutes is the whole Liturgy, the Adminiſtration of the Sacraments, and indeed all the Canons and Articles of the Church ſupported: For by the Fence of thoſe Laws, firſt, no *Romaniſt* can poſſibly be admitted into the Clergy unleſs under the moſt damnable *Hypocriſie* (which no Human *Teſt* can diſcover) an *Hypocriſie* too no ways beneficial to the *Romiſh* Cauſe whilſt tyed up to the Divine Service as now by *Law* eſtabliſht. Secondly, No other Divine Service, as the *Maſs*, or the like, can be introduced into our Churches already conſtituted or aſſigned for the Divine Service of the Church of *England*.

The ſtrength of theſe two Laws His Majeſty very well knows, and is ſo far even from the *Thought* of hurting or infringing the leaſt Particle of either of thoſe Laws, or the Security our Church *has*, *do's*, or *can* receive from them, by abrogating any Penal Laws or Teſts whatever, that on the contrary there is not undoubtedly that farther *Confirmation* of thoſe Laws, and the *Religious Obſervance* of them, or any thing *conducing* thereunto, that may or ſhall be offer'd to His Majeſty in Parliament, that His Majeſty ſhall not *readily aſſent* to, and as *inviolably maintain*.

If then the Church of *England*, Her Adminiſtration and Government (as 'tis plain) ſtand of themſelves alone ſecure and firm, without any borrow'd *Prop* or *Support* from the *Teſt* whatever; the *Teſt* therefore is only a *Buttrice* (or at leaſt ſo intended) to the Civil Magiſtracy; as firſt, *Excluding all* Roman Catholicks *from all Offices of Truſt in the State*. Secondly, *From all Domeſtick Services near the Perſon of the King*. And Thirdly, *From all Right to Seſſion in Parliament*.

Theſe three Incapacities are by the *Teſt* thrown upon the *Romaniſts*. And for confuting all Suſpicions and Jealouſies, let us examine how the looſening of all theſe three Reſtrictions can tend to the Subverſion of the Proteſtant Religion as now by Law eſtabliſht.

In the firſt place, as to the Civil Government: What Office in the State can a *Roman Catholick* hold, any ways empowering him to prejudice the Church of *England*? Suppoſe even in the *Courts of Judicature* (for if any Apparition of any ſuch Power, 'tis there;) Were *Romaniſts* (imagine) in all thoſe Offices? Why may not a Sir *Thomas Moor* be as honeſt as a *Lord Chief Juſtice Hales*, and execute his Office with as great *Integrity* and *Juſtice*? Why not Men of equal Abilities be of equal Uprightneſs in all Religions? Beſides, the Diſtribution of *Meum* and *Tuum* (more eſpecially when Liberty of Conſcience ſhall be paſt into a perpetual *Law*, and all Penal Inflictions for matter of Religion thrown out of their Juriſdictions) will then be the whole Buſineſs that lyes before them; and wherein is a *Roman Catholick* Judge any more incapacitated for the adminiſtring of Juſtice than another Man? Moreover, in a Kingdom where their number is ſo truly inconſiderable, as ſcarce the Two hundredth Man in the Nation, if they have hopes of making any *Converts* or any Indeavours that way, it can only be done by holding the Scale of Juſtice upright, and in all Poſts of Truſt by keeping up the ſteddieſt Standard of Right and Equity, as the only means thereby to recommend and endear themſelves to the World, and wipe off thoſe Blemiſhes that the *miſtaken Jealouſies* and *Popular Miſapprehenſions* have ſo long ſo unkindly caſt upon them. And This, and This *only* they are very ſenſible is their Chart to ſteer by; and their Great *Pilot*, their Royal Maſter, the beſt read Student

dent in the Arts of Empire that poſſibly ever graced a Throne, equally knows to be His only Courſe, and undoubtedly as ſacredly reſolves to make it ſo. And if the Judges of the Land ſuppoſe of the *Romiſh* Religion (beſides their Oaths that bind 'em, and His Majeſties Honour that ſhall influence them to it) have theſe Obligations more and above even of *INTEREST* to their very Religion it ſelf, to move in ſo regular a Sphear of Juſtice, where lyes our Danger? And if this higher Station will be ſo Inoffenſive, what can the poorer Juſtices of the Peace, or the inferiour Subminiſtration of the Government ſignifie, in Popiſh or not Popiſh Hands?

But in this Caſe I have heard ſome People ſay: *Alas! What ſtretch of the Laws will not ſuch Judges make? Perhaps for inſtance, pick a hole in the Abby-Lands, and ſtart ſome dormient Title or other to revert them to the Church of* Rome; *a Patrimony that will not a little enrich the* Romaniſts *and advance their Cauſe.*

This idle Objection was ſcarce worth naming; as if the ſtretching of our Laws in that Point was not as notorious and *Arbitrary* as a *total* Violation of the Subjects *Right*, and rending the whole Frame of the Laws in ſunder. But to check this idle Surmize; If a *Romiſh* Parliament it ſelf in the Reign of Queen *Mary*, with the very Reſtoration of the *Romiſh* Religion and *Papal Supremacy* into the Saddle, never ſo much as *attempted* to revert thoſe Lands: Nay, on the contrary, their whole Title was confirm'd to the preſent Poſſeſſours by a *Decretal* from *Rome* it ſelf, as was then ſo ſolemnly done by Cardinal *Pool*, the then Popes Legate: How groundleſs muſt the Fear be of any Thought or Attempt of reverting them now? Or why muſt the *Romiſh* Judges

Judges in any kind ſubvert or undermine the Laws, contrary to all their beſt Politiques in the preſent State of *England*, to no true advantage either to themſelves or their Church, and poſſibly to be anſwerable for it with their Heads, if they live to the next Proteſtant Prince.

To come next *to the Officers of his Majeſties Houſhold*, &c. To have thoſe Poſts too barricado'd with Teſts, and the Imperial Dignity ſo ſhackled, as to be debarr'd the Choice of its own *Menials*; nay, even of its *Converſation* it ſelf, is an Inſolence put upon Majeſty, as had been ſcarce tolerable from an Ordinance of Forty eight, much leſs an Act of Parliament. But for our leſs Wonder at it, we are to conſider 'twas Hatch'd in the ſame *Republick Neſt*: for no leſs than the great old Patriot of *Three Names* ſate for the brooding of it.

I think I need not raiſe Arguments to prove how little thoſe Gentlemen of Honour, the Courtiers I mean, of any Religion whatſoever, in that innocent Station are, or can be concerned in ſhaking either *Church* or *State*. It is enough to ſay that greater Indignity under the Sanction of a Law, was never impos'd upon a Crown'd Head. The meaneſt Gentleman in *England*, whilſt this Teſt keeps Footing, has a Prerogative above the King. For the choice of his Steward, Bayliff, Attorney, or Solicitor, &c. are in his own free Election: But theſe were Priviledges thought too large for a King; and therefore he is Stinted and Bounded to ſuch Elections, as the more Imperial Wiſdom of His *Great Maſters* in Parliament judge fitteſt for him.

Monarchical Rule is ſaid to be like that of Heaven, where the *Primum Mobile* acts altogether by *inferior Sphears*, and *ſecond Cauſes*. And ſo Majeſty by its Officers and Miniſters, as ſo many Vehicles, by which the Influences of the Royal Power are Convey'd, to ſet the Great *Machine* a moving: But truly this Aſcendancy the late Law-makers,

judged

judged too great for the King of *England*; and therefore they found an Expedient to render the Monarchy little more than *precarious*, making the whole Miniſters of the State the Creatures of the Teſt, and not of the King.

Now I deſire to know how in Reaſon we can imagine, that a King, in himſelf the Fountain of *Honour*, and Original of *Power*; though in his Nature, the Mildeſt and beſt Temper'd of Princes; though without the leaſt *Thought* of Unhinging the Frame of the Government, or Diſturbing the Settled Church of his Kingdom; to blaſt his own Glory, and loſe his Subjects Hearts; (for that would be all the Crop 'twould yield him;) I wonder I ſay how we can imagine, that the Beſt and moſt Gracious of Princes, tho without the foremention'd Deſigns, could nevertheleſs brook ſo *Unprincely a Yoke* as the Teſt.--- And truly to juſtifie his Majeſties heartieſt Endeavours againſt both Penal Laws and Teſt, in not labouring to abrogate the firſt, as they ſtand in Force againſt the Lives and Liberties, (and how *unjuſtly* has been proved before) of the Members of his own Communion, he would be the moſt *unnatural* of Men; and in not labouring to repeal the laſt, as ſtanding ſo egregiouſly in force againſt the Right and Prerogative of His Crown, and indeed originally forged in Affront to himſelf, he ſhould be the moſt *Diſhonourable* of Princes: Nor will it ſerve to object, that His late Majeſty (whatever diminution to the Prerogative it might be) by paſſing it into a *Law*, has *alienated* that Power from the Crown. For to anſwer that Argument, we are aſſured, that whatever Alienations of that kind the Eaſineſs of the preſent Poſſeſſour of the Crown, or any other Reaſons may induce him to make, are no ways truly binding to the Succeſſor.

Now to come to the laſt Point, the Qualification of Members in Parliament by the *Teſt*: And firſt, I ſhall not ſo much

inſiſt.

insist upon the notorious Invasion of the Birthright of the *Peers* by this Exclusion from Parliament, as being a Point already so well handled by better Pens, and never yet answered; nor shall I so much insist upon the *Illegality* and *Unreasonableness* of Tests in general of any kind, as was once argued in Parliament by the Lord *Delamere* in opposition to a Test proposed by the Earl of *Lindsey*, a Test, which (though not thought legal to be imposed as such) contain'd no other than the highest Obligations of Loyalty that every Subject owes to his Prince. But if the making of Tests in Parliament, which with the Sovereign Consent (as Kings are but Men, and sometimes the Exigence of Affairs, may extort the Royal *Fiat*) lyes in the Majority so to do: Suppose the Forgers of this *Test* (for by the by they were none of the best Friends of the Church as now by Law establisht) had follow'd their Blow, and form'd a second *Test* to deny Episcopacy to be *Jure divino*; a Dispute much bandyed in those days: Here had the Bishops been thrown out of the Parliament, if not the whole *Hierarchy* out of the Kingdom. And so by Tests *ad Infinitum*, how might the *Basis* of the whole Government been overturned, and the very Houses of Parliament dwindled at last, to the scandalous Dimensions of the old fashion'd *Rump*. For if one *Test* to exclude a *Score*, why not another to lop off a *hundred*? And indeed, how are our present Parliaments the *comprehensive Body* of the *Nation*, when so many of the Peers, not there by *Representatives*, are shut out? Nay, how much is the *Dignity* of the Laws they make, and the very *Constitution* of our later Parliaments themselves impair'd and lessen'd by such an Exclusion?

But to come to the main Business, *viz.* to obviate the greatest and terriblest Clamour of Fear and Jealousie against the Repeal of the Test, *viz.* *If the Test were destroy'd, who knows but Parliaments may be so managed as to turn out the Church of* England, *and set up Popery even by Law it self?* This

This indeed is the *Gorgon*, that frights half Man-kind out of their little Senſes. But where, or how is this Popiſh Parliament to be gotten, (for a Proteſtant one will hardly be ſo Complaiſant:) But to ſearch out every Cranny that this imaginary Danger is ſuppoſed to creep in at, Let us examine the *Houſe of Lords*, and try their Inclinations that way.

If the Teſt were laid aſide, and the excluded Lords reſtored; what would their Number ſignifie! At our laſt Parliament, the Proteſtant Peers amounted to 160, and the excluded Romiſh Barons (nor are they much increaſed ſince) were not a Tenth of their Number. So that here's an abſolute want of a Prodigious Creation of Romiſh *Barons* to riſe to a Majority; Nay, and of ſo many *Eſtates* too, to ſupport the Grandure, as poſſibly would ſtagger imagination it ſelf to find a Treaſure, enough to purchaſe: for ſo many *New Dignifications*, eſpecially of *Gentry*, or *Landed Men* to ſtart up *Lords*, among ſo thin ſown a Party, would put 'em damnable hard to it. But for once, grant ſuch an Extravagant Donation of Honour, and ſuch *Golden Mines* to maintain it, might form a Houſe of Lords capable of over-ballancing on the Popiſh ſide; where ſhall the *Houſe of Commons* be had? for without *both* they do nothing! They would go nigh to find ſuch a *Dead Weight* in the Lower Houſe, as all the *Tuggs* of *Rome* would never be able to ſtirr; and this ſtupendious Parliamentary Subverſion of the Church of *England* a *Phænomenon* only in *Nubibus*.

A Popiſh Houſe of Commons too! Alas, they'll tell you, *very eaſily. Has not the King for inſtance, got a new way of Regulating Corporations, Nay, has he not (or will do before next Seſſions) already Model'd all their Charters, and undoubtedly left few or none, either Citizens, Burghers or Free-men, in whom the Election lies, but ſuch as are his Friends and Creatures.*

Very Well: Suppoſe he has, or will take Care, to the beſt of his *Endeavour* or *Power*, to Eſtabliſh Corporations to his own *Hearts liking*: After all, where ſhall there be *One* Roman Catholique in all the next Election; and what ſhall theſe *Creatures*, (if you'll have 'em ſo) do more than Chooſe every *Numerical* Member a *Proteſtant*: For till the Teſt be Legally diſſolved, they muſt *all* be ſo. And truly what if this next, tho' Proteſtant Parliament, out of an Abhorrence of the *Unchriſtian Barbarity* of the *Penall Laws*, ſhall do themſelves, their *Poſterity*, their *Country*, and His *Majeſtie* Juſtice in diſſolving them? And what if likewiſe their true Senſe of the moſt ſervile *Impoſition* that Imperial Dignity ever bore, their Tenderneſs for His Majeſties *Honour* and *Prerogative*, together with their Gratitude, for the *Plenty* and *Peace* His Reign has Bleſs'd them with, ſhall incline them alſo, to break thoſe Fetters of the Crown, the *Teſt*; and all no more than *High-Juſtice* and *Right Reaſon* ſhall oblige them to; Muſt it therefore follow, that they ſhall do themſelves, their Families, their yet unborn Heirs, and their no leſs Concern their Country that Wrong, as to give up their tenderelt and neareſt Care, their *Religion*, or any thing tending to it!

Well, but ſay they, *if this next Parliament will not do the Work; when the Teſt is once gon; 'tis but calling new Popiſh ones that will.*

I, but who ſhall chooſe them? The Electors are all the ſame: For the Corporations are, or will be ſettled to his own Model; and Teſt or no Teſt in Being, their Inclinations will be all the ſame; and upon any New Choice, beyond all Diſpute, the *Majoritie* of the *Old Members* Elected again; and if any *New Ones* amongſt them, thoſe too as far from Leaning towards *Rome*, as the Popular Frantick Jealouſies are from *Common Senſe*.

Upon

Upon the upshot, I defie all Mankind to form one *Reasonable* Projection, or indeed, *imaginary* possibility of such a Popish Parliament. For instance we must run into endless *Labyrinths* and *Chimæras*, for the meer *Shadow* of such a Danger. For first the King must dissolve all his late Charters again; no matter whether forfeited or not; and so throw Dirt in the Face of his own yesterdays Royal Acts and Grants: For all the *Free-men*, *Burggers*, or *Aldermen*, and whatever the present Electors, and consequently all the *Trading Part* of the Nation, must be displaced and cashierd, (a very Violent Reform, and an ingratitude, which His Majesties Nature abhors, to those very Men, that by rescinding the *Penall Laws* and *Test*, shall have Duty fully given him all he could ask:) And a new set of Romans planted in their Rooms; or otherwise, if the present Electors continue in their Posts, a Majority of Papists must be crowded in to over Vote them: But where to be had, let *Machiavil* himself inform us. For alas, where are these *Popish Upstarts* to be found. Not amongst the present Inhabitants of the Corporations: For how many Corporations are there in *England*, that have not so much as one Man amongst them of that Religion. Nay, take some parts of *England*, as the *West* for Example, where Corporations stand *Thickest*, and Papists grow *Thinnest*, and you shall not find in whole *Counties* the Hundredth (Nay, if I trebled it, I should not mistake.) Part of Papists, of all Degrees whatever, to supply such a Corporation Majority of Electors, or any thing like it. And indeed, take the whole Nation round, and make every Romanist that Writes the Age of Man an Alderman, they shall fall so short still of the Account, that they must be forced to send over for *Jago Pilgrims*, (a good jolly Troop too) or some other, as Extravagant

Helps to make out the Number, or otherwiſe our Outcry will be but *Noiſe*, and our Fears but *Fantoms*.

But ſuppoſe any ſuch wondrous Electors, ſuch *Alien* or *Forreign* ſupplies of Romaniſts could be found, and ſo irregularly thruſt into Corporations, as to carry a Popiſh Majority of Corporation Members: Nor will ſuch a bare Majority do the Work. One additional Hundred of Popiſh Members extraordinary muſt be had, to over-power the Knights of the Shire, who in Spight of all pretended Corporation Feats, will be firm *Proteſtant Members*; the Over-byaſſing of *whole Counties*, being an Apprehenſion that *Lunacy it ſelf* can never Forge. Nevertheleſs, ſuppoſe all theſe *Alien* Supplies ſo obtruded upon us, enough to carry the Cauſe. Alas, what Palliation, Nay, what Eloquence of Angels is enough to vindicate ſuch *Irregular* and ſuch *Arbitrary* Foundation of a Parliament; and inſtead of a *Legal Aſſembly*, and truly *National Senate*, or Popery ſo Eſtabliſht the Sacred *Sanction* of a *LAW*, Even half an Eye would ſee through the Fraud, and the whole World explode and condemn ſo viſible a *Deceipt* and *Illuſion*: Inſomuch, that His Majeſty with as much *Juſtice*, and twice as much *Honour*; (Pardon the Profanation even of ſuch a Suppoſition) might as well ſet up, *Sic volo ſic Jubeo* for Law, and ſave himſelf the trouble of calling of Parliaments, for diſſolving *Penall Laws* or *Teſts*, or any other ſuch *tedious*, and indeed, of the two more *Unprincely* Toil and Labour.

What *Mountain Height*, are Fears raiſed to; but how *ſhallow* a *Baſis* are they Built upon? Alas, we are not in any kind to take Compariſons from Queen *Marys*, or Queen *Elizabeths* Reign. The turning the Scale of Parliaments in thoſe Days, was the leaſt part of any Reaſonable Mans Wonder. What an eaſie Matter for the *Influence* and *Aſcendancy* of *Imperial Power* to ſway *Laws*, and

and Eſtabliſh *Churches*, as the Sovereign Inclination leaned; when the Church of *Rome* was not ſo low in its *Wane*, or the Young Reformation ſo high in its *Increaſe*, but either Party were in a manner *the Moiety* of the Nation, and conſequently the Favour of the Crown might go far, and a Majority on the Royal Side, be more eaſily obtained.

But in the preſent, even *Deſpicably Diminitive* Number of Romaniſts, and ſo almoſt a Total Bent of the whole Nation to the other ſide, the Project is ſo *impracticable*, and the Turn ſo *impoſſible*, as only *Delirium* can ſhape a Fear of it.

But now to Sum up all, and draw towards a Period: between ſuch *Penall Laws*, and ſuch *Teſts*, and the wondrous *Epiſcopal* Tenderneſs for their Beloved *Preſervation*, Our Church, though a good Mother, is but a *Courſe Nurſe*, when ſuch *Unlicks Brats* as theſe, are her Hug'd and Dandled Bantlings. And Our Conſciencious *Mute* Prelates, were certainly under the Faſcination of no ordinary *Hot Zeal*, or ſomething elſe as Warm, to be warpt into *Diſobedience* in ſo poor a Cauſe, *viz.* The Reading ſo inoffenſive a Paper as His Majeſties *Declaration*.---- But perhaps, after all, there may be more in it than we are aware of. For who can Fadom the *Depth* of ſuch a Diſobedience? Who knows but this very Mask of *Conſcience* might be one of the ſubtleſt Stratagems of *Intereſt*. Who, I ſay, knows but the Loſs of ſo conſiderable a *Church Regalia*, ſo dear an Enſign of *Eccleſiaſtick Sovereignty* as their *Tormenta* and *Flagella*, their *Teſts* and *Penall Laws*; and ſo ſenſible a Diminution of their *GRANDEUR*, their *Diana GRANDEUR*, threaten'd by the Relaxation of thoſe Laws, might be ſo near a *Concern* to them, that ſeing the Royal Indulgence to *Religious Liberty*, daily more and more gaining upon the

Hearts

Hearts of the People, and to ſtop the Carreer of ſo General a Compaſſion, the Fatal Effects of ſo growing a Contagion; their Denial of Reading ſo *Pacifick* a *Declaration* might poſſibly be one of the moſt exquiſite *Artifices* to ſtiffle the generous *Product* of it into *Abortion*; Their very Refuſal being really no more than purpoſely to *Court Sufferings*, to gain *Proſelytes*, as well fore knowing, upon the leaſt Puniſhment for it, tho' ever ſo much their *Due*, to have their *Condoled* and *Pittyed Cauſe*, ſeen through thoſe Popular *Falſe Opticks*, as ſhould turn even *Juſtice* it ſelf in *Perſecution*: And ſo by Alaruming the *Old Ignorance* into *New Jealouſies*, they might ſo harden that preſent (too Univerſal) popular Lenity towards *Tender Conſciences*, and more than probably ſo affect the *Frightned* Populace, and thereby ſo far influence the next Election as to defeat the whole Royal *purpoſed Clemencie*, and gain their own Point.

I ſhould be ſorry to be miſtaken in this Suſpicion; but truly the ſhallowneſs of ſo *Weak-reaſon'd* an Obſtinacie againſt ſo *Innocent* a Command of the King, looks ſo very like ſome ſuch ſort of *Eccleſiaſtical Polity*, that I am affraid the Conſcientious ſtumble at ſo *Diminitive a Gnat*, will at laſt be found a meer artful Piece of *Prieſt-craft*, to keep their *Dagon* from falling: And what that *Dagon* is, let the World judge; for excepting the Engines of their *Tyranny*, and the ſupporters of their Pride, I know no ſtrength the *Penal Laws* or *Teſts*, either have or can yield them.

But above all things that the *Illegality* of the King's *Diſpenſing Power*, ſhould be a *Specter* that *appeared* ſo dreadful to their Lordſhips, yet walks inviſible to every Mortal Eye-Sight elſe, is not a little ſurpriſing, The very Straiteſt-laced Prerogative Men, never denied the King his *Diſpencing Power* in Caſes of Offence only a-

againſt

gainſt himſelf, *Abſq. Damno alterius*; and wherein the bare Exerciſe of Religious Worſhip is, or can be *alterius Damno*, their Wiſdoms would have been kind to inform us: Or wherein any Miniſter or Officer, qualified or not qualified by the *Teſt*, in any *Civil* or *Military* Station, (for His Majeſtie pretends to no other Diſpenſation) can be *Damno Eccleſiæ* would be another piece of Diſcovery, as kind as the other. Wherein, & what has our Church, or our Nondiſpenſing Church-men ſuffered by all this Toleration. Have they loſt the leaſt Particle of their Government, Diſcipline, Rights, Priviledges, or Poſſeſſions whatever. Is there any of our *Nonteſted* Magiſtrates, or our *Unpinion'd* Diſſenters in all this Freedom, has wrongd our Church of ſo much as a Sprig of *Mint*, or a *Corn* of Cumminſeed that ſhe can challenge Hers. Is ſhe denyed either *Law* or *Juſtice*, for ſo much as the claim of a Tythe-Egg?

And that this *Diſpenſing Power*, may not look altogether ſo hidious, What is the King's *Diſpenſing* Power in *Penal Laws*, really any more than his *pardoning Power*. The Tranſgreſſion of thoſe Laws, incurrs ſuch a *Penalty* or *Puniſhment*, and the Royal Clemencie, is Graciouſly pleaſed to *remit the Forfeiture*. And indeed, what does his *Declaration* amount to more than a *Noli proſequi*, (only a more univerſal one) the *Common* and *daily Plea* of the *Crown*. His Majeſty, by his *unqueſtion'd* Right *can* pardon; and what's his *Declaration* truly more than that he *will* do it. Our Great Crown-ſticklers, have to a very fair purpoſe, ſo long Preach'd up our King's, *the Vizegerents of GOD*, to come at laſt to the denying them any part of the brighteſt Prerogative of the *Divinity MERCY*. And as to the backing the Credit, of their Aſſertion, by their Parliamentary Authority of 72, *&c.*

I am ſorry to hear our Divine *Gamalels* lay hold of ſo Weak a Handle, as to ſet up a *Tranſient Vote* againſt a *Fundamental*

damental Prerogative. And as to their Insinuation, that upon our conceding a *Dispensing Power*, in the Case of the *Penal Laws* and *Tests*; it must therefore follow, that we should open an Inlet to lay aside *All Laws*, both *Ecclesiastick* and *Civil*; 'tis an *Ergo sequitur*, so strangely far stretch'd, that they might e'ne as well have said, (and the Consequence have hung as well together too) that because some of our *Severe Fathers* of our Church, have Reasons of Conscience and Policy, to support Laws for the *depopulating* of Kingdoms, therefore the *Gentler FATHER* of our Country, ought to have the same Reasons too.

I hope, their Lordships, if for nothing but the Reputation of their *Wisdom* and *Learning*, did not tender these Petitioning Reasons to His Majesty, as intended for *Convincing ones*. For truly by the strength, both of their *Alledging* and *inferencing*, this part of their Petition, if not *all* of it, I am affraid looks more like Written for the Reading of the *Rabble*, than of the *King*

But to conclude. As the fore-mentioned are all our Dangers from their Repeal, wherein are His Majesties Demands *unreasonable*, in asking the Repeal of the *Penal Laws*, in which almost the whole *Vox populi*, Witness the late Numerous *Adresses*, joyns with him, and the Principles of *Nature*, *Humanity* and *Conscience* plead for him. Or in asking the Repeale of the *Test*, for the asserting of his own *Honour*, and the Recovering the *Birth-Right of a King*, by endeavouring to shake off the most shameful *Vassalage* that Monarch ever truckled under. And why must his Endeavours of doing his People so much *Right* in the first; and *Himself* so much *Right* in the last, be so poorly mis-interpreted, by the unnatural Surmises of his *Ungrateful* People. But let us Blush and mend, and by giving up these Laws, do *Equity* in Return of *Clemencie* and *MERCY*.

FINIS.